

Applicants: Kenneth H. Rosen
Serial No.: 10/055,104
Filing Date: January 23, 2002
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REMARKS

Claims 1-46 remain pending in this application. Reconsideration of the application is respectfully requested.

Oath/Declaration

The oath or declaration is defective and the Examiner requires a new oath or declaration in compliance with 37 C.F.R. §1.67(a). A new oath or declaration executed by the inventor, Kenneth H. Rosen, is submitted herewith reflecting the citizenship of Kenneth H. Rosen.

Drawings

The Examiner requires formal drawings in compliance with 37 C.F.R. §1.121(d). Enclosed please find four (4) sheets of formal drawings including Figures 1-4.

Claims Rejections

Claims 1-16 and 40-46 are rejected under 35 U.S.C. §102(e) by the Examiner as being anticipated by U.S. Patent Publication No. 2003/0016804 A1 to Sheha et al. (hereinafter "Sheha").

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It is noted that the Examiner has rejected the present claims under 35 U.S.C. §102(e), in that Sheha has a publication date of January 23, 2003 which is later than the filing date of the application which is January 23, 2002, but has an earlier effective filing date July 17, 2001 which earlier than January 23, 2002.

It is respectfully submitted that the presently claimed invention was completed, i.e., conceived prior to July 17, 2001 and reduced to practice by the filing of the application in the United States on January 23, 2002. In support thereof, submitted herewith is a Declaration of Prior Invention under 37 C.F.R. §1.131. This Declaration, executed by the inventors, Kenneth H. Rosen and John A. Rotondo, sets forth that the subject matter of the present invention was conceived prior to July 17, 2001, the earlier effective filing date of Sheha. The Declaration provides supporting documentation in the form of Invention Disclosure dated prior to July 17, 2001, the earliest effective filing date of Sheha indicating conception of the invention. Also, attached is a Declaration establishing diligence of the legal representative from the time of the applicant's conception, to a time just prior to the date of the Sheha reference, up to the filing of the application. This Declaration provides supporting documentation which includes several correspondences establishing due diligence from a time prior to July 17, 2001, continuously up to the filing of the subject application.

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It is respectfully submitted that the §1.131 Declaration and the Declaration establishing diligence, including the attachments thereto, clearly indicate that the present invention was conceived at a date prior to July 17, 2001, the earliest effective filing date of the Sheha reference and diligently reduced to practice. As such, the Sheha reference is believed to be overcome. Applicants respectfully request withdrawal of the Section 102 rejection.

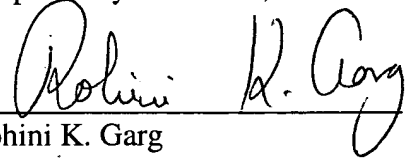
Additionally, the Examiner has rejected claims 17-39 under 35 U.S.C. 103(a) as being unpatentable over Sheha in view of U.S. Patent No. 5,341,411 to Hashimoto. With Sheha effectively removed as reference as discussed above, the obviousness rejection based on Sheha in view of Hashimoto is considered to be overcome. Applicants respectfully request withdrawal of this Section 103 rejection.

In view of the §1.131 Declaration, the Declaration establishing diligence, and the remarks above, applicants deem this application, including claims 1-46, to be in condition for allowance and solicits such action.

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In the event any issues remain following entry of this amendment, Applicant's agent respectfully invites the Examiner to contact the undersigned agent at the telephone number given below if the Examiner believes that such would expedite the prosecution of this application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rohini K. Garg", written over a horizontal line.

Rohini K. Garg
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